



PUBLIC NOTICE

Federal Communications Commission
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DA 18-1290

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR EXPEDITED DECLARATORY RULING FILED BY SGS NORTH AMERICA, INC.

CG Docket No. 02-278

Comment Date: January 24, 2019

Reply Comment Date: February 8, 2019

With this Public Notice, we seek comment on a petition for declaratory ruling or, in the alternative, request for retroactive waiver filed by SGS North America, Inc. (SGS).¹ The *Petition* seeks a ruling “clarifying the meaning of ‘telemarketing’ and ‘dual purpose’ calls with respect to the prior express written consent requirements under the [Telephone Consumer Protection Act].”² It alternatively requests “a retroactive waiver from the prior express written consent requirements with respect to any telephone call made to schedule, confirm, or otherwise discuss a motor vehicle inspection.”³

We seek comment on this and any other issues raised by the *Petition*.

Comments and Reply Comments. Pursuant to section 1.2 of the Commission’s rules,⁴ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ SGS North America, Inc. Petition for Expedited Declaratory Ruling or, in the Alternative, Request for Retroactive Waiver, CG Docket No. 02-278 (filed Dec. 17, 2018), [https://ecfsapi.fcc.gov/file/121726169703/SGS%20--%20FCC%20Petition%20for%20Declaratory%20Ruling.pdf](https://ecfsapi.fcc.gov/file/121726169703/SGS%20-%20FCC%20Petition%20for%20Declaratory%20Ruling.pdf) (*Petition*). The Telephone Consumer Protection Act (TCPA) is codified at 47 U.S.C. § 227. The Commission’s implementing rules are codified at 47 CFR § 64.1200. Among other things, the TCPA and the related rules prohibit making, without the prior express consent of the called party, a non-emergency call using an automatic telephone dialing system or an artificial or prerecorded voice to any telephone number assigned to a cellular telephone service. 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii). The Commission’s rules prohibit telephone calls to residential lines using an artificial or prerecorded voice to deliver a message without the prior express written consent of the called party. 47 CFR § 64.1200(a)(3).

² *Petition* at 2.

³ *Id.*

⁴ 47 CFR § 1.2.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum.

Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules.⁶ In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt,

⁵ See *id.* §§ 1.1200 *et seq.*

⁶ *Id.* § 1.1206(b).

searchable .pdf).⁷ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information, contact Karen Schroeder of the Consumer and Governmental Affairs Bureau at (202) 418-0654 or Karen.Schroeder@fcc.gov.

⁷ *Id.* § 1.49(f).